
BZA-1721
ROBERT A. MOLTER
Variance

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the owner, is seeking a variance to allow a 56' front setback from the right-of-way instead of the required 60' to construct an addition onto an existing carwash located at 1096 Sagamore Parkway West, West Lafayette, Wabash 7 (NW) 23-4.

AREA ZONING PATTERNS:

This site as well as land to the east and west is zoned GB, General Business. Directly north is R3W zoning and NB zoning can be found across Sagamore Parkway.

While the ABZA has heard many sign variances for this part of West Lafayette, only one setback variance from the Parkway could be found: a 37' front setback was approved for a bank located at the Sycamore and Sagamore Parkway intersection in 1989 (BZA-933). Staff is unclear if there were setback variances granted by the now disbanded West Lafayette Division of the ABZA.

AREA LAND USE PATTERNS:

Under the repealed zoning ordinance, this carwash received a special exception from the Board in 1983 to operate in the GB zone (BZA-614). The existing building has 6 wash bays: 5 manual and 1 automatic. The site has a steep driveway leading to a level area where the building is located.

Land uses along this part of the Parkway are purely commercial. Some of these uses include restaurants, auto tire sales, video rental and a grocery store. Directly north of the carwash are Beau Jardin apartments.

TRAFFIC AND TRANSPORTATION:

Sagamore Parkway is classified as a divided primary arterial in the *Thoroughfare Plan*. Average daily traffic counts taken between 1999 and 2001 show that 25,634 cars passed this site daily. Automobiles using the carwash enter from the south side of the building along the Parkway and exit on the back side, and then round the west end of the building to exit the property. This variance would not have a negative impact on the traffic circulation.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City utilities serve this site.

STAFF COMMENTS:

According to petitioner, in order to keep up with competition, two automatic carwash tunnels will be added to the front of the building. The existing automatic bay and one manual wash bay will be removed and replaced with 2 new automatic wash tunnels. This planned addition would extend 4' into the required 60' setback. Even though staff has no substantial proof, the applicant has indicated that the size of the carwash tunnel cannot be shortened because the dryers and washing areas must be separated. Additionally, he states that his requested setback would put his building more in line with his neighbors' buildings.

When a GB zoned lot abuts a residential use, the rear setback is increased to 40'. The car wash was built at the 40' rear setback so the only place to build on this lot is in the front. This 40' rear setback should be maintained to help separate the nearby residents from the washing/drying areas of the wash tunnels. This leaves 24' of buildable space in front of the building and outside of the required setbacks, in which to expand.

Setbacks along this stretch of the Parkway appear to vary. Like this building, many businesses have been built farther back beyond the 60' front setback, but others have been located closer than 60'. In fact, of the 6 buildings to the east of the site, four appear to be located between 54' and 56' from the right-of-way while two are located at 60' and 74'. This could be explained in one of three ways: a building was built within the setback, a setback variance was granted from the disbanded West Lafayette Board, or right-of-way was purchased reducing a buildings' setback.

Despite the building's placement at the rear setback, 24' exists in front of the carwash in which it can legally expand. While the need to keep the carwash up-to-date and competitive is understandable, staff can find no ordinance-defined hardship and cannot support the variance.

Regarding the ballot items:

1. The Area Plan Commission at its June 21st meeting determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. Extending 4' over the required 60' setback will not obstruct motorists' vision on site or at the driveway entrance.
3. Use and value of the area adjacent to the property included in the variance request **WILL NOT** be affected in a substantially adverse manner because many buildings along this part of the Parkway are situated closer than the 60' minimum building setback. In fact, four of the six buildings to the east all appear to sit closer to the highway than 60'.

4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. Adjacent lots to the east and west share similar front and rear setback issues and have similar topography with a steep driveway and level building sites.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance. If this variance is not granted, petitioner could still build an addition of 24' in order to update his business without the need for a variance.

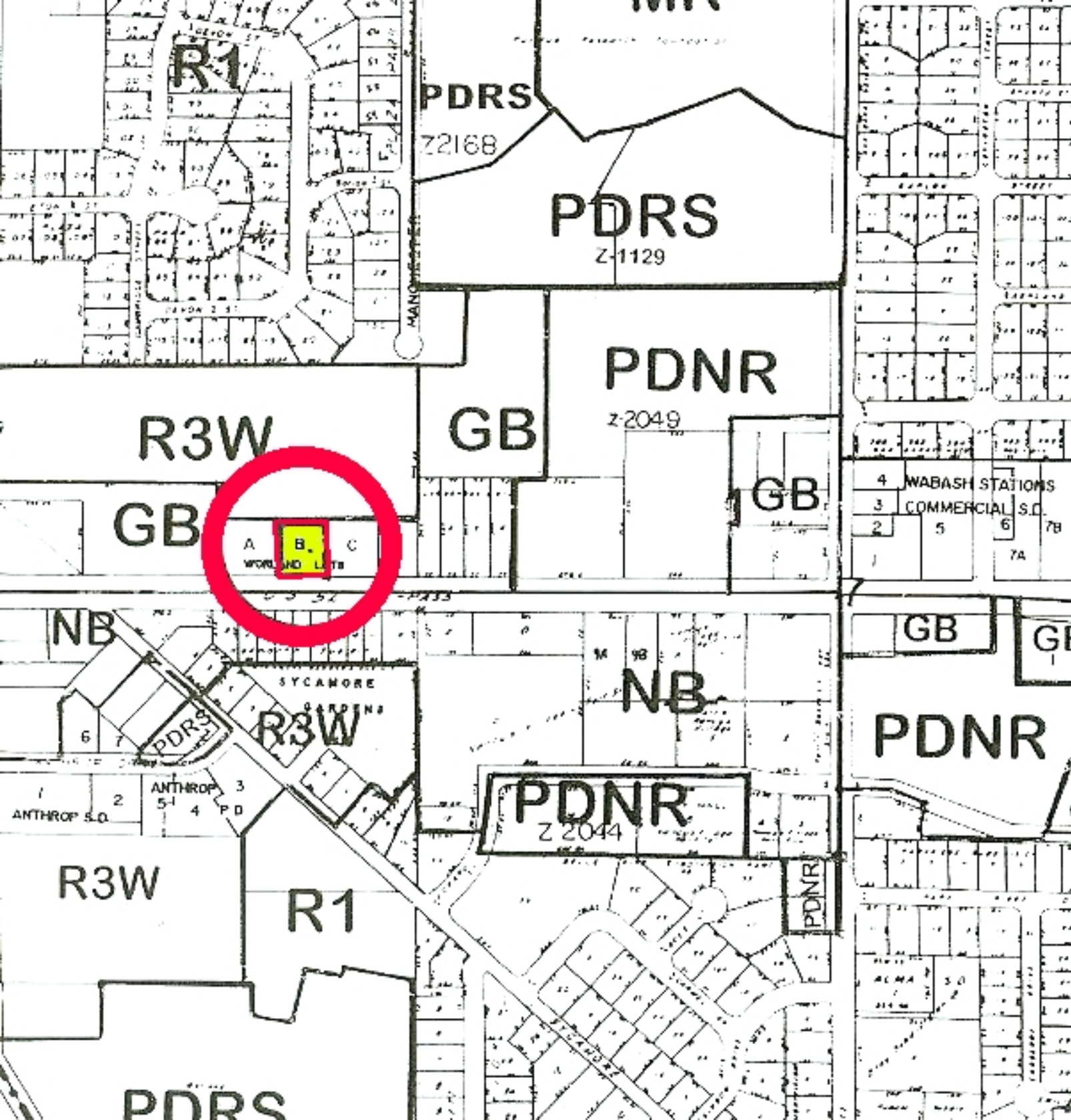
Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

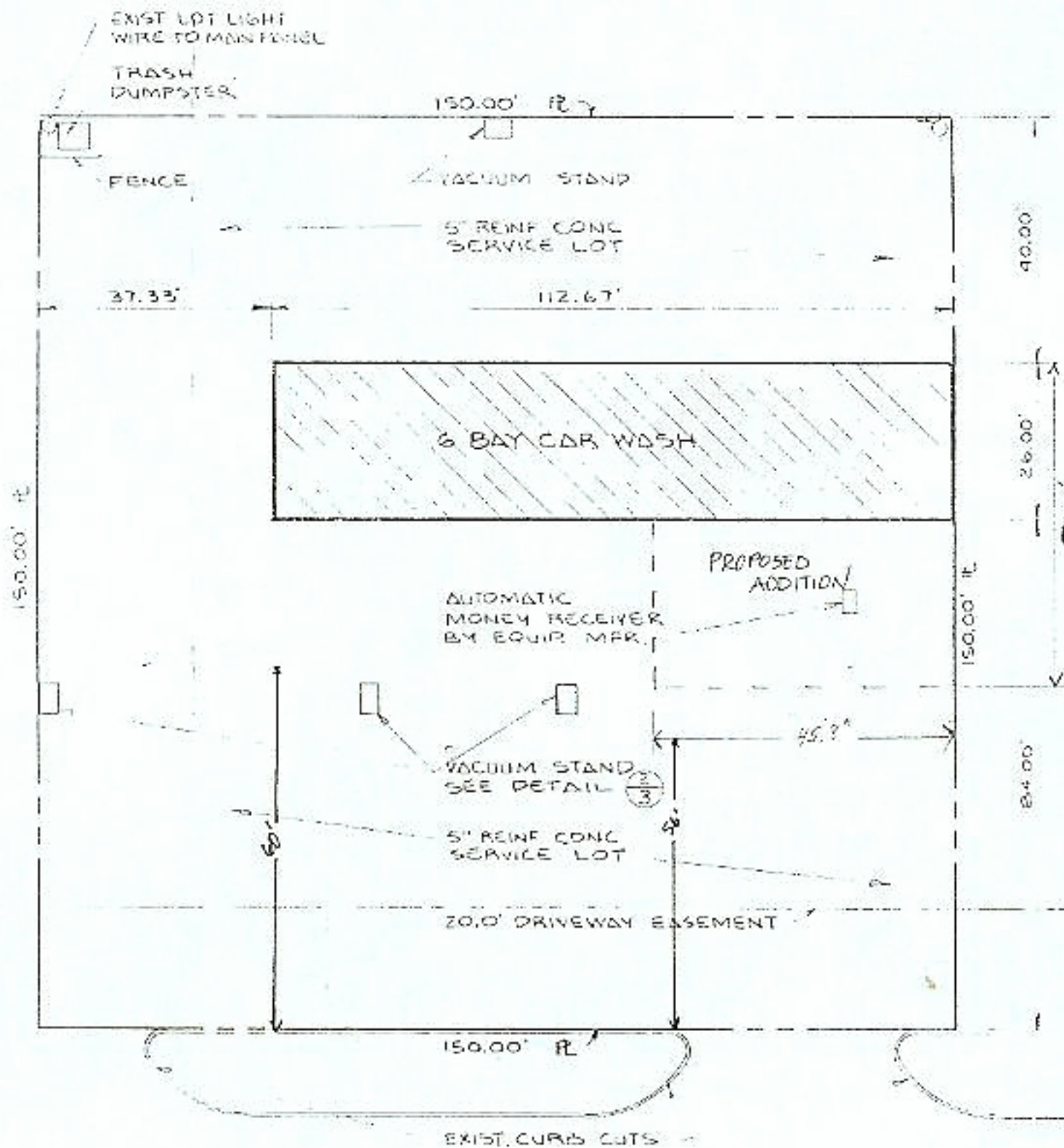
5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. It is petitioners' desire to add an addition of this size that causes a hardship, not the zoning ordinance.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship. There is no minimum relief because there is no ordinance-defined hardship.

STAFF RECOMMENDATION:

Denial





☐ SAGAMORE PARKWAY (WEST)

☐ SAGAMORE PARKWAY (EAST)

SITE PLAN

1" = 20'



NOTE:
SITE INFORMATION AS SUPPLIED BY
OWNER AND IS ASSUMED CORRECT.
ANY DEVIATION SHALL BE THE
OWNER'S RESPONSIBILITY.